

1 during the recognition procedure?

2 A. Well, I'm not sure that the Q signal said anything  
3 about a battle.

4  
5 Q. Well, take my word for it: it did. The Q signal had  
6 bearings in relation to where the *Kormoran* was. Were you  
7 aware of that?

8 A. Yes, but it was a pretty garbled signal and there is a  
9 lot of disagreement as to exactly what it was. But at the  
10 time that signal was sent, there had been no battle,  
11 anyway.

12  
13 CMDR RUSH: Sir, they are the matters.

14  
15 CMDR RENWICK: I have nothing arising, sir.

16  
17 THE PRESIDENT: Thank you. Thank you, LTCOL Whittaker.

18  
19 <THE WITNESS WITHDREW

20  
21 CMDR RUSH: I call Mr Eagles, sir.

22  
23 <JAMES HENRY EAGLES, affirmed: [2.05pm]

24  
25 <EXAMINATION BY CMDR RUSH:

26  
27 CMDR RUSH: Q. Mr Eagles, would you state your full name  
28 to the Commissioner, please?

29 A. James Henry Eagles.

30  
31 Q. And your address?

32 A. [REDACTED]

33  
34 Q. And your occupation?

35 A. Retired.

36  
37 Q. Prior to retirement, what was your occupation?

38 A. Communications officer with the Department of Civil  
39 Aviation.

40  
41 Q. Prior to that, did you have service in the Royal  
42 Australian Navy?

43 A. I did. Nine years.

44  
45 Q. Can you detail to the Commissioner the years of  
46 service and what work you performed in the Navy?

47 A. I was a radio operator.

1  
2 Q. To become a radio operator, did you undertake courses?  
3 A. Yes.  
4  
5 Q. Where were they?  
6 A. At *Cerberus*.  
7  
8 Q. What were the years that you served in the Navy,  
9 Mr Eagles?  
10 A. 1960 to 1969.  
11  
12 Q. As a radio operator, what was the nature of your  
13 duties?  
14 A. Cryptography, transmitters, receivers, morse code,  
15 online broadcast, inner-ship communications, ship/air  
16 communications and ship/shore communications.  
17  
18 Q. What ships did you serve on?  
19 A. *HMAS Yarra*, *HMAS Stuart* and *Diamantina*.  
20  
21 Q. After that, you went into the Department of Civil  
22 Aviation?  
23 A. Yes.  
24  
25 Q. Mr Eagles, you have provided submissions to the  
26 Commission of Inquiry in seven parts.  
27 A. It will be eight parts. I have another one here.  
28  
29 Q. I am sorry?  
30 A. It will be eight parts. I have another volume here  
31 that I wish to submit.  
32  
33 Q. How does the volume that you have there impact on the  
34 substantial material that you have supplied to the  
35 Commission of Inquiry?  
36 A. It is a continuation of the material in volume 1,  
37 stating that the ship is not *HMAS Sydney*.  
38  
39 Q. Do you maintain that the ship said to have been  
40 located by Mr David Mearns and the Finding *Sydney*  
41 Foundation is not *HMAS Sydney*?  
42 A. Most certainly, it is not.  
43  
44 Q. You have further material, in addition to what you  
45 have provided to the Commission of Inquiry, to support that  
46 proposition?  
47 A. I do.

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Q. Before asking you for that material, have you read the report of the Defence Science and Technology Organisation and the Royal Institution of Naval Architects?

A. I have. They have to live with that on their conscience, I'm afraid.

Q. I am sorry?

A. It's not what they said; it's what they didn't say.

Q. Have you read the evidence of those that gave evidence here last Monday and Tuesday in relation to their observations and their work in relation to the wreck?

A. Yes.

Q. You might recall that a final question was put to Mr John Jeremy as to his certainty as to whether the ship that he had provided opinion about was *HMAS Sydney*?

A. I know, yes, that's right.

Q. And he said, without doubt, that it was?

A. And I disagree with him entirely.

Q. You disagree with him entirely?

A. Yes, I do.

THE PRESIDENT: Q. I take it, having read this material, that you are aware that they are able to align portions seen in some 35 hours-plus of video and hundreds, if not thousands, of stills with the original ship's drawings and amendments?

A. I have copies of the original ship's drawings. I don't need to see all the rest of it, because if the rest of it is as bad as what has already been produced, there's no point in looking at it. I can identify two parts of the ship that don't belong to *HMAS Sydney*, for a start.

Q. What is the basis on which you say that it is not *HMAS Sydney*? There are two portions that you can identify?

A. Well, for a start, the photograph of the bows has two hawse pipes and an anchor chain coming off the rear one, and *Sydney* didn't have two anchors on the bow. That's quite clear on the photograph I have at home.

Q. Yes.

A. The searchlight platform photograph bears absolutely no correspondence to *Sydney*'s searchlight platform, and the

1 area behind it is obviously a funnel which belonged to a  
2 Leander class cruiser. Another photograph of the ship's  
3 crane shows a hole where that funnel was supposed to be,  
4 which contradicts the photograph of the searchlight  
5 platform. They can't both be right.  
6

7 Q. Do I understand you to be maintaining the position  
8 that the funnel which is there is not the *Sydney* funnel?

9 A. That's right.

10 Q. But it is the funnel from some other Leander class?

11 A. Yes.

12 Q. How do you think it might have got there?

13 A. Well, I think it always belonged there. I don't think  
14 the photograph belongs there.

15 Q. So it is another Leander class ship but not the  
16 *Sydney*?

17 A. That's right. It also corresponds to the damage to  
18 the stern with the collapsed quarterdeck. It, obviously,  
19 doesn't correspond with the *Sydney*, either. For instance,  
20 there is a photograph showing an anchor chain around the  
21 bollards and a coiled hawser on the quarterdeck, which  
22 means that the ship was rigged for towing, and unless the  
23 Germans have given evidence that the ship was being towed  
24 or being prepared for tow, it is not the *Sydney*.  
25

26 CMDR RUSH: Q. All this is set out in the material that  
27 you now wish to put before the Commission of Inquiry?

28 A. In that and in this, yes.

29 CMDR RUSH: May I examine this material, please?

30 THE WITNESS: May I continue with other instances?

31 THE PRESIDENT: One moment.

32 CMDR RUSH: Sir, I don't pretend to have read it,  
33 obviously. I have scanned it. There is a vast amount of  
34 material on differing subjects.

35 THE PRESIDENT: I will receive it, and we will consider it  
36 in due course. How shall I describe it?

37 CMDR RUSH: "Statement of Mr Eagles into the discovery of  
38 the wreck of *HMAS Sydney*". For some reason, it bears the

1 date 20 February 2009.

2

3 Q. Why is that, Mr Eagles?

4 A. I am sorry?

5

6 Q. Page 1 of this volume has a date of 20 February 2009.

7 A. Oh, it probably should be January.

8

9 CMDR RUSH: It probably should be January, sir.

10

11 **EXHIBIT #138 STATEMENT OF JAMES HENRY EAGLES INTO THE**  
12 **DISCOVERY OF THE WRECK OF *HMAS SYDNEY***

13

14 CMDR RUSH: Sir, I have to say that I obviously haven't  
15 had an opportunity to examine those matters that are raised  
16 about the ship.

17

18 THE PRESIDENT: Q. Mr Eagles, we know, I think, that  
19 Australia had three Modified Leander class ships?

20 A. Yes.

21

22 Q. We certainly know that New Zealand had one, at least a  
23 Leander class, called the *Leander*, I think. We know, after  
24 the *Sydney* loss, that the remaining two Australian ships  
25 were still afloat and we know what has happened to them.  
26 Yet you are saying that it is none of those ships. You are  
27 saying that this is made up?

28 A. I know that at least three sections of the ship can be  
29 identified as a Leander class cruiser, the bows are of a  
30 different type of ship and the rest of the ship could be  
31 anything. There is absolutely nothing on the ship that  
32 I have seen that identifies it as *HMAS Sydney*. No  
33 archeologist in his right mind would accept the evidence  
34 that was produced identifying that ship as the *Sydney*.

35

36 Q. The difficulty with that is that a considerable number  
37 of scientists and Naval architects, who are familiar with  
38 *HMAS Sydney*, have done so. There are also photographs  
39 taken underwater which indicate the Crest as being the  
40 Crest of *HMAS Sydney*. That is fairly powerful and  
41 persuasive evidence, to my mind, particularly as we know  
42 that Australia had only three of those ships and the other  
43 two were still afloat after *Sydney* was lost. We also know  
44 that *Sydney* was on the West Australian coast. The  
45 improbability of this not being *Sydney* is very, very high,  
46 indeed.

47 A. Well, I think these photographs have been produced

1 from several different sources purely and simply to verify  
2 the German version of the story.

3  
4 Q. Who would do that?

5 A. There are several ships with identical or very similar  
6 upper decks works. There are also ships with sections of  
7 the upper deck that are completely different from *Sydney*,  
8 and these are often shown in the photographs.

9  
10 Q. Is your suggestion that somebody - you may wish to  
11 tell me who - set about fabricating some 35 hours of  
12 underwater video and 3,000 or 4,000 still photographs of a  
13 vessel taken at about 2.56 kilometres below sea level to  
14 set up some elaborate hoax that they had found *Sydney*? Is  
15 that your contention?

16 A. I'm not saying that they haven't found the *Sydney*.  
17 What I'm saying is that these photographs that have been  
18 released to the public are not of the *Sydney*.

19  
20 Q. Do you dispute that they have found *Sydney*, or do you  
21 just dispute the photographs?

22 A. Well, the only evidence that we have is the  
23 photographs, and they are not of the *Sydney*. I don't see  
24 how those photographs can possibly be representative of the  
25 *Sydney*, because it is so obvious that it is not; it is a  
26 completely different ship or ships.

27  
28 Even the lifeboats have things that are obviously  
29 incorrect on them. I have seen a photograph showing that  
30 at least one of the photographs has a number of alterations  
31 made to it. The boats have fittings that don't match the  
32 *Sydney's* boats. The Kitchener rudder was not on any of the  
33 *Sydney's* boats. The boats are modern boats without a  
34 rubbing strake around the side. The *Sydney's* photographs  
35 from the Australian War Memorial show that the boats did  
36 have them. If you want to take the War Memorial  
37 photographs and say that they are wrong, then I don't know  
38 what you can do.

39  
40 THE PRESIDENT: We will certainly consider the material  
41 that you have produced. In the meantime, I propose to  
42 proceed on the basis that the wreckage which has been found  
43 and photographed over a period of days is that of  
44 *HMAS Sydney*. You might like to proceed on that basis.

45  
46 CMDR RUSH: I will, sir. However, there are two questions  
47 relating to it.

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Q. Who is responsible, do you say, for producing the imagery to the Commission of Inquiry that is not *HMAS Sydney* in order to, in effect, back up, as you have indicated in your evidence, the German evidence?

A. There are a number of things. Firstly, David Mearns came out to Australia and had discussions with the Navy and the Government. No-one that I know has ever seen any tender documents put out for people to do the search. The whole thing was put in abeyance for at least a couple of years while the Federal Government allocated a great deal of money, which gave them ample time to prepare any amount of evidence to back up the German story.

I can't see that anyone except the Navy and the Government has been involved in this. You don't have to be blind to be able to see the differences. I have put two lots of photographs in each of those sections there - one from the Australian War Memorial and one from the Finding *Sydney* Foundation - and most of them bear absolutely no correspondence whatsoever.

Q. So it is the Government?

A. One has to presume that.

Q. The Navy?

A. Presumably.

Q. Mr Mearns?

A. Probably.

Q. The Finding *Sydney* Foundation or organisation?

A. Well, I don't know whether they are involved or not.

Q. Those that were on *Geosounder*?

A. I don't know. I'm not accusing anybody of anything. All I'm saying is that these photographs are not of the *Sydney*. Who was responsible I have no way of knowing or no way of checking.

Q. And those who gave evidence last week that they are of the *Sydney* and are entirely consistent with the *Sydney* - where do they fit in your picture?

A. Well, I think it should be obvious that these people come from the Navy; they are not exactly likely to contradict anything that the Navy is putting forward here.

1 THE PRESIDENT: Q. Who are these people you are speaking  
2 of?

3 A. DSTO and RINA.

4  
5 Q. The Royal Australian Institution of Naval Architects.

6 A. I know. I realise that.

7  
8 Q. They do not come from the Navy.

9 A. I realise that. As I said before, it is not what they  
10 said; it is what they didn't say. If those people are  
11 Naval architects and they can't see the difference in those  
12 photographs, then there is something definitely wrong with  
13 them. As I said, they have to live with their conscience.

14  
15 Q. Or perhaps their skill is greater than yours, even; do  
16 you admit that possibility?

17 A. I don't know.

18  
19 CMDR RUSH: Q. Mr Eagles, you have provided a submission  
20 to the Inquiry entitled by you "Operation Fish".

21 A. That's right.

22  
23 Q. With that subtitle, "Gold movements and the  
24 involvement of *HMAS Sydney*".

25 A. Yes.

26  
27 Q. Is that a title that you have given it, or do you say  
28 that that was some form of operational title that was given  
29 to what you are alleging in relation to the *Sydney's* gold  
30 movements?

31 A. It is an operational title used by the British  
32 Government for their gold removals from England to Canada  
33 during the early years of World War II. It was also used  
34 by bank officers transferring gold from Sydney to  
35 Goulburn Gaol.

36  
37 Q. In your submission to the Commission of Inquiry, you  
38 put forward the proposition that *Sydney* was engaged in the  
39 transportation of gold, and perhaps other very valuable  
40 effects, from Singapore to Australia?

41 A. Yes.

42  
43 Q. And that, as I understand it, the gold was loaded onto  
44 *HMAS Sydney* from two Dutch submarines?

45 A. That's right.

46  
47 Q. And that that occurred at a secret location in the

1 Sunda Strait?

2 A. Yes.

3

4 Q. And on 17 November 1941?

5 A. Yes.

6

7 Q. And thereafter, *Sydney* headed to Australia with this  
8 shipment of gold and valuables?

9 A. Yes.

10

11 Q. Are you putting it forward as a supposition or an  
12 account or something that is based on solid evidence?

13 A. It is based on the movement of Naval personnel and  
14 civilian personnel to Hong Kong, to Singapore, from  
15 Australia to Java, from Java to Australia, from Australia  
16 to Singapore, from the UK to Singapore, from the UK to  
17 Australia, Intelligence, SOE, SIS, Far East Security  
18 Service people, and the conferences that were held between  
19 the Australian, Dutch and British in Batavia.

20

21 Q. The Commission of Inquiry has examined archival  
22 material in Australia, New Zealand, the United Kingdom, the  
23 United States of America and Germany without finding any  
24 document of any nature that goes to such an operation. Can  
25 you explain that?

26 A. Of course I can. It hasn't been recovered. Why would  
27 it be public knowledge? The whole point is that the  
28 situation has always been to keep the location of the  
29 *Sydney* secret. A member of Parliament stood up and said,  
30 "We owe it to the Australian people to find the *Sydney* and  
31 to sort this out." In the very same breath, he said that  
32 the latitude and longitude of the location of the sunken  
33 *HMAS Sydney* should never be revealed to the public. What  
34 does that tell you?

35

36 Q. You are referring to an account in Parliament where  
37 the Minister indicated that to prevent the shipwrecks being  
38 in any way disturbed, the locations, if they were found,  
39 should not be publicised?

40 A. What about ships like *HMS Edinburgh*, which were grave  
41 sites --

42

43 THE PRESIDENT: Q. If you don't mind, please, we will  
44 just stay with *Sydney*. I have enough on my plate without  
45 worrying about other ships.

46 A. Well, I was using it as an example that ships are not  
47 inviolate to any sort of intrusion, if the Government

1 considers it --

2

3 Q. This one is. It is subject to restrictions under  
4 legislation to protect it as a military site.

5 A. That's if they say where it is.

6

7 CMDR RUSH: Q. So you propound, do you, Mr Eagles, that  
8 it hasn't been found?

9 A. I don't think that the *Kormoran* would have come  
10 anywhere near that close to the coast. It would have been  
11 suicide.

12

13 Q. I know you don't think that, but in relation to the  
14 wreck of *HMAS Sydney*, are you contending to the Commission  
15 of Inquiry that the location that has been given to us by  
16 Mearns and the Finding *Sydney* organisation that was the  
17 location of the memorial service on 19 November last year  
18 is not the location of the wreck of *Sydney*?

19 A. I doubt it very much.

20

21 THE PRESIDENT: Q. Mr Eagles, is it also your contention  
22 that the other vessel sitting some 12 nautical miles away  
23 is not the *Kormoran*?

24 A. Do we know that --

25

26 Q. Is that your contention or not?

27 A. No, it is my contention that I don't think they have  
28 found the *Kormoran*, either. The only thing that identifies  
29 the *Kormoran* are two letters and two numbers on a piece of  
30 hull that has been underwater for 65 years, of a ship that  
31 was at sea for over a year, and yet it is absolutely clean  
32 and has no sea growth on it whatsoever. I don't consider  
33 that evidence that that is the ship at all or that it is  
34 even there. There are ships like that scattered all over  
35 the world. Those photographs could have come from  
36 anywhere.

37

38 Q. The fact that it has been photographed and the  
39 photographs have been matched with the forward section of  
40 the *Kormoran* doesn't sway your mind in the slightest?

41 A. Is *Kormoran* the only raider that was sunk during the  
42 War? Of course it is not. Has Mr Mearns dived on more  
43 than one wreck? Of course he has. Does he have a  
44 photographic library? Of course he does. Does he have  
45 hundreds of photographs? Of course he does. Does he have  
46 film? Of course he does.

47

1 Q. Would you just listen to what I put to you for a  
2 moment, please. Just think about it. Photographs have  
3 been taken underwater of what is said to be about one-third  
4 to one-half of the *Kormoran*. It has considerable amounts  
5 of superstructure and other features still there. They  
6 have been matched against plans of the *Kormoran*, and it is  
7 said that they match. Does that not influence your mind  
8 somewhat as to whether or not the wreck which is said to  
9 have been photographed is the *Kormoran*?

10 A. No, it does not.

11

12 Q. Right.

13 A. After the DSTO evidence, I'm not sure whether  
14 I believe any of it at all.

15

16 Q. No, well, that's all right. I will work on the basis  
17 that you don't believe anything --

18 A. CDR RUSH has a number of questions there regarding  
19 the DSTO evidence - questions that I would like to ask..

20

21 CDR RUSH: Q. Just going back to your theory as  
22 contained in "Operation Fish", Mr Eagles, in your  
23 submission at page SUBM.001.0235, could I take you through  
24 a few of these propositions. At the top of the page, in  
25 addition to the gold, you indicate that personal items of  
26 Chiang Kai-shek and the Dalai Lama may have been  
27 transferred to *Sydney*?

28 A. Representatives of those people were present at a  
29 conference in Batavia, or Singapore, I think it was  
30 offhand, which included representatives of Chiang Kai-shek  
31 and the Dalai Lama and also the Far East Security Service  
32 in the form of Charles Drage and a number of other people  
33 connected with Intelligence.

34

35 Q. So the fact that there were representatives of  
36 Chiang Kai-shek and the Dalai Lama in Singapore in November  
37 1941 leads you to the proposition that personal items of  
38 those two persons may have been on *Sydney*?

39 A. I said possibly personal items, but there was also the  
40 point that Chiang Kai-shek had just purchased a number of  
41 aircraft, 200 aircraft, from the Americans, and they needed  
42 to be paid for by November.

43

44 Q. A bit further down the page, you say, about 10 lines  
45 below:

46

47 *Of utmost importance would be the weather.*

1           *Even using Sydney's crane, normally used to*  
2           *hoist her Walrus aircraft back onboard*  
3           *after each flight, it would still have been*  
4           *a major undertaking, more so in rough*  
5           *weather. However the weather proved*  
6           *perfectly calm ...*  
7

8           Do we take it from that that it is your assertion that  
9           *Sydney's* ship's crane was used to load gold bullion and  
10          other perhaps personal items from these two Dutch  
11          submarines on to *Sydney*?

12          A.   Well, it would have been commonsense, if you were on  
13          the *Sydney*, to do so.

14  
15          Q.   This took place over what period of time?

16          A.   Twenty-four hours.

17  
18          Q.   How do you know that?

19          A.   The *Sydney* was missing from its escort of the  
20          *Zealandia* for 24 hours.

21  
22          Q.   How do you know that it took place at all?

23          A.   There is absolutely no proof whatsoever. But then,  
24          there is no proof that it didn't.

25  
26          THE PRESIDENT:   Q.   That means that you just made  
27          something up?

28          A.   No, it doesn't.

29  
30          Q.   It is just conjecture?

31          A.   It means that it is a perfectly straightforward  
32          explanation for *Sydney's* disappearance from escorting a  
33          troopship, which was normally an extremely unlikely  
34          occurrence. Ships escorting troopships didn't just vanish  
35          for 24 hours.

36  
37          Q.   What is this 24-hour vanishing period you are talking  
38          about?

39          A.   It is all explained in the book.

40  
41          Q.   I have read your book.

42          A.   There is ample evidence from people that the *Sydney*  
43          disappeared for 24 hours prior to the handover to  
44          *HMS Durban*.

45  
46          Q.   I have some difficulty with that --

47          A.   Well, I don't.

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Q. -- because *Sydney* didn't send any signals and there was nobody else who was in contact with *Sydney*, so how can there be evidence from people that she disappeared for 24 hours?

A. There were people on the *Zealandia* who testified to that.

Q. Your theory, as I recall, refreshed from reading your submission, is that this gold was not only loaded on to *Sydney* I think from submarines but was stored, at least, in the Y turret?

A. In, I am sorry?

Q. In the Y turret.

A. No, in the Y magazine.

Q. So your suggestion is that a torpedo took out A and B turrets; X turret fired with some accuracy; and Y turret ran out of ammunition, because it couldn't resupply itself with ammunition, because the ammunition areas were stacked with gold bars? Is that your theory?

A. Australia supplied the Dutch with two 6 inch guns, and prior to *Sydney* sailing, it loaded 6 inch ammunition and depth charges and other stuff. I believe that it was exchanged as ballast for the Dutch submarines. In fact, there is some evidence that Dutch submarines were involved.

Q. What was exchanged?

A. *Sydney* exchanged 6 inch ammunition for the Dutch.

Q. Who did they give the 6 inch ammunition to?

A. The Dutch.

Q. At sea?

A. At sea.

Q. Into submarines?

A. When the gold was offloaded from the Dutch submarines, it had to be replaced by some form of ballast, exactly the same as the USS crowd in Corregidor, which removed gold from that area, and after delivering ammunition, they loaded up with gold to provide ballast.

Q. And you say in your submission that because *Sydney's* gun magazines were filled with gold, it enabled her to be outgunned by *Kormoran*?

1 A. No. One magazine was used for the storage of gold,  
2 the same as *HMS Edinburgh*.

3  
4 Q. I am just reading what you wrote.

5 A. Well, that's what I said. In fact, it was normal  
6 practice to transfer gold all over the world by warships.  
7 It's not unusual. In fact, I have added about 14 pages of  
8 gold transfers there for the Commander to have a look  
9 through.

10  
11 CMDR RUSH: Q. Mr Eagles, Detmers was aware of this  
12 shipment of gold?

13 A. It is a possibility. They were reading the Naval code  
14 and the Naval cipher at the time, and the merchant ship  
15 code.

16  
17 Q. The information about the gold would be in signals in,  
18 you say, the merchant signal code, Naval cipher and the  
19 like?

20 A. Not necessarily to the *Sydney*. There was probably  
21 nobody on the *Sydney* who really realised what was being  
22 loaded on board.

23  
24 Q. But the signals that Detmers, you say, may have or  
25 probably did come into possession of were relayed by those  
26 various transmissions, if at all?

27 A. Well, transmissions were made to *Sydney* regarding its  
28 ETA and its return to Fremantle and other information,  
29 which would have been enough for Detmers to be able to  
30 intercept the *Sydney*. The fact is that if --

31  
32 THE PRESIDENT: Q. With the greatest respect, that is  
33 just factually wrong.

34 A. I beg your pardon.

35  
36 Q. That is just factually wrong.

37 A. What is?

38  
39 THE PRESIDENT: The fact that you assert that various  
40 transmissions were made. There is no evidence of that  
41 whatsoever. Anyway, go on.

42  
43 CMDR RUSH: Q. Then you theorise, do you not, that  
44 Detmers put a strategy in place whereby he used the LS-3  
45 motor torpedo boat and disguised it as an RAN patrol boat?

46 A. Possibly. There is no reason why he couldn't.

47

1 Q. And not only that, he managed to disguise the *Kormoran*  
2 as a ship that had been in a battle with a raider?

3 A. Yes.

4

5 Q. Is that your evidence?

6 A. It is a theory.

7

8 THE PRESIDENT: Q. But there is no basis for it.

9 A. There is nothing to prove that it is not right. It is  
10 a scenario that was used by raiders previously, and all the  
11 raider captains studied the tactics and operations of all  
12 the previous raiders in World War I and in World War II.  
13 There is no reason why he wouldn't have used the same  
14 tactic.

15

16 Q. There is no reason why he would have.

17 A. Exactly.

18

19 Q. So it is just speculation on your part.

20 A. Well, it is speculation about everything, because  
21 there is not enough information available.

22

23 THE PRESIDENT: There is, you see, but you won't accept  
24 it. There are hours of videotape and still photography,  
25 which enables analysis.

26

27 CMDR RUSH: Q. Mr Eagles, at page 0295 of the material  
28 that you have provided to the Commission of Inquiry, you  
29 say this:

30

31 *Many people are divided over whether a*  
32 *search should be conducted for the Sydney.*  
33 *The location of the wreck site(s) will*  
34 *establish once and for all the veracity of*  
35 *the German story and the Australian*  
36 *Government owes that to the families of the*  
37 *lost crew. Also, it will hopefully answer*  
38 *many of the other questions surrounding the*  
39 *loss of the Sydney. As indicated in this*  
40 *document, sufficient proof that the*  
41 *Sydney/Kormoran battle took place 300 miles*  
42 *west of Carnarvon does exist.*

43

44 You then would still say, I take it, on the basis of your  
45 evidence, that there is no reason why answers to many of  
46 the questions you refer to there have not been given,  
47 because the wreck hasn't been discovered?

1 A. That's correct.

2

3 Q. You, I take it, not only disagree with the wreck, but  
4 you disagree with the detailed evidence that was given in  
5 relation to the 15cm shellfire damage to *Sydney*?

6 A. I do.

7

8 THE PRESIDENT: Q. And do you still maintain that the  
9 battle took place 300 miles west of Carnarvon?

10 A. Yes, I do.

11

12 CMDR RUSH: Q. Do you disagree with the evidence that is  
13 before the Commission of Inquiry from as late as last week  
14 in relation to the type of W/T equipment that was on board  
15 *Sydney*?

16 A. The W/T equipment?

17

18 Q. The wireless transmission equipment.

19 A. Yes.

20

21 Q. Do you maintain or have you maintained that *Sydney* was  
22 capable of sending signal by voice?

23 A. No, I do not.

24

25 Q. I take it, then, that you are of the opinion that  
26 *Sydney* could transmit only in morse code?

27 A. Yes, I am.

28

29 CMDR RUSH: I have no further questions, sir.

30

31 CMDR RENWICK: I have nothing, sir.

32

33 THE PRESIDENT: Yes, thank you, Mr Eagles.

34

35 <THE WITNESS WITHDREW

36

37 CMDR RUSH: Sir, I call CAPT Arundel.

38

39 THE PRESIDENT: I should mark the rest of this document of  
40 Mr Eagles. I have marked the material produced today as  
41 exhibit 138. I shall mark the other two volumes of  
42 material previously supplied as exhibit 139.

43

44 **EXHIBIT #139 TWO VOLUMES OF MATERIAL SUPPLIED TO THE**  
45 **COMMISSION OF INQUIRY BY MR EAGLES**

46

47 CMDR RUSH: I call CAPT Arundel.